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December 6, 1999

BY HAND

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Mass Media Bureau
445 12th Street, SW
Washington, DC 20554

Re: Rio Grande Broadcasting Co.
MM Docket No. 90-380

Dear Ms. Roman Salas:

Enclosed for filing are an original and four (4) copies of Comment Relating to Auction
No. 28.

Also enclosed is a copy of this letter for stamping and return to the courier.

Please address any responsive communications to:

Jerome S. Boros, Esq.
Robinson Silverman Pearce Aronsohn & Berman LLP
1290 Avenue of the Americas
New York, NY 10104
212-541-1072

Very truly yours,


Jerome S. Boros

Encs. (2)

cc w/encs (2): All persons listed on Certificate of Service
L. Scanlon
J. Crutchfield

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)	MM Docket No. 90-380
)	
RIO GRANDE BROADCASTING CO.)	File No. BPH-880815MV
)	
ROBERTO PASSALACQUA)	File No. BPH-880816NN
)	
IRENE RODRIGUEZ DIAZ de McCOMAS)	File No. BPH-880816OR
)	
UNITED BROADCASTERS COMPANY)	File No. BPH-880816OW
)	
For Construction Permit For a New FM Broadcast)	
Station On Channel 247A, Rio Grande,)	
Puerto Rico)	

To: The Commission

COMMENT RELATING TO AUCTION NO. 28

Irene Rodriguez Diaz de McComas ("McComas"), by her attorneys, pursuant to Report No. AUC -99-28-A ("Report") submits these comments, addressing the question of "Minimum Opening Bid" for Channel 247A, Rio Grande, Puerto, Rico (the "Channel"). In support hereof, McComas shows as follows:

1. In the Report, the Commission provisionally adopts a "Minimum Opening Bid" of \$250,000.00 for the Rio Grande permit. The bid amount, inferrably, is a function of the prospect that a station on the Channel will be able to put a competitive signal over San Juan.
2. McComas submits that such an inference contextually is unwarranted, because a cloud shrouds the Channel allocation, namely:

"...the potential for interference between . . . [the Rio Grande allocation] and an . . . authorized station on Channel 247C in the British Virgin Islands" (Report No. W-44, July 15, 1988 (53 FR 26864))".

Simply stated, in the absence of Commission clarification, there is serious uncertainty as to the coverage contours of any station on the Channel, foreclosing a fair valuation thereof.

3. To cut this "Gordian Knot," McComas concurrently herewith is filing two related petitions with the Commission:

- 1) Petition For Declaratory Ruling That Channel 247A Has Been Unconditionally Allocated To Rio Grande, Puerto Rico
- 2) Petition For Stay Of Proceedings

Commission grant of the declaratory ruling would enable the applicants in this proceeding accurately to value the frequency, but until such relief issues, any valuation would be arbitrary and without a supporting predicate.

4. Under the circumstances, the \$250,000.00 valuation provisionally adopted by the Commission is without rational support, and it should be set aside. Any further action involving the Channel should be deferred, until the Commission has had an opportunity to act on the request for declaratory ruling.

Respectfully submitted,

Irene Rodriguez Diaz de McComas

By: 

Jerome S. Boros

By: 

Andrew Irving

By: 

Henry Y. Ko

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Her Attorneys

Dated: December 6, 1999

CERTIFICATE OF SERVICE

I, Gladys B. McNeil, a secretary in the law offices of Robinson Silverman Pearce Aronsohn & Berman LLP, do hereby certify that on this 6th day of December, 1999, I caused to be mailed a copy of Comments Relating To Auction No. 28 to the following:

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Auctions and Industry Analysis Division
Wireless Telecommunications Bureau
Federal Communications Commission
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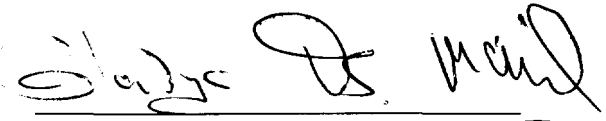
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